UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,123	09/26/2003	Kamala Prasad Das	DAS 1-6-7 (LCNT/125742)	8489

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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2619	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/674,123	DAS ET AL.
	Examiner	**Art Unit**	
	Thong H. Vu	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-21* is/are rejected.

7)☒ Claim(s) *11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   Claims 1-21 are pending.

Response to Arguments

2.   Applicant's arguments, see pages 6-11, filed11/15/07, with respect to Conway-

Yokoyama have been fully considered and are persuasive. The Rejection of claims 1-

21 has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of McDysan.

Claim Rejections - 35 USC § 102

Claims 1-10,12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

McDysan et al [McDysan 7,046,680 B1].

3.   Claim 1, McDysan discloses A method, comprising the steps of:

(a) polling at least one location in a network to obtain information indicative of a

level of utilization of said at least one location [monitored session, col 12 lines 25-46];

(b) computing a status of utilization of said at least one location based on said

polled information and assigning a decision policy to said status [measure conformance

to SLAs, col 13 lines 13-28; Policy server makes policy decision, col 11 lines 35-67;

check the memory status and assign a priority, col 19 lines 30-45];

(e) assessing a priority level of a new voice call requesting to enter the network

relative to priorities of existing calls on the network [marker/policer with higher or lower

priority, col 7 lines 57-col 8 line 5; new service request, col 10 lines 44-63]; and

(d) invoking said decision policy on the new voice call according to its relative

priority level to the existing calls on the network and the decision policy in effect at the

time the new voice call requests entry to the network [invoking policy services, col 9 line 40-45; col 17 lines 15-40; currently active session, col 15 lines 17-46].

4.   Claim 2, McDysan discloses a first party initiating the new voice call is 2 checked for proper authorization to initiate the new voice call [authorized request, Fig 7E].

5.   Claim 3, McDysan discloses a second party receiving the new voice call is checked for proper identification and registration in a network transmitting the new 3 voice call [register, col 26 lines 5-10].

6.   Claim 4, McDysan discloses if the priority level of an the existing call being entertained by a second party is lower than the priority level of the new voice call being initiated by a first party a preemption message is sent to the second party [High, low priority, col 7 line 65].

7.   Claim 6, McDysan discloses the second party, terminates the existing call and the decision policy is invoked on the new voice call to determine its connection status to the second party [Policy server makes policy decision, col 11 lines 35-67].

8.   Claim 7, McDysan discloses if the priority of the existing call is higher than the priority of the new voice call, the new voice call is rejected [High, low priority, col 7 line 65].

9.   Claim 8, McDysan discloses after step (a) but before step (b), step (al) includes polling the network to determine routing paths [monitoring traffic flow, col 8 lines 5-22].

10.   Claim 9, McDysan discloses after step (al), determining if a status of variables selected from the group consisting of links and paths have changed since a previous update to assign the policy decision [col 10 lines 32-43].

11.   Claim 10, McDysan discloses the policy decision includes sub-decisions of never blocking new voice calls having at least a highest relative priority, blocking a first percentage of new voice calls when a system link utilization exceeds a first percentage of system capacity for calls of an intermediate relative priority and blocking second percentage of new voice calls when link utilization exceeds a second percentage of system capacity for calls of a low relative priority level [Policy server makes policy decision, col 11 lines 35-67].

12.   Claim 12, McDysan discloses the decision policy is distributed to one or more call control devices in the network [Policy server makes policy decision, col 11 lines 35-67].

13.   Claim 13, McDysan discloses the one or more call control devices are one or more softswitches [control software, col 3 line 2].

14.   Claim 14, McDysan discloses packets of information that carry the new voice call may be selectively dropped based upon the relative voice call priority level [High, low priority, col 7 line 65].

15.   Claim 15, McDysan discloses the step of dropping packets of the lowest relative priority level voice calls when a buffer containing voice call data on the network is at a first percentage of total capacity [High, low priority, col 7 line 65].

16.   Claim 16, McDysan discloses the first percentage of total buffer capacity is approximately 50% [desired bandwidth, available capacity, col 30 liens 9-32].

17.   Claim 17, McDysan discloses the step of dropping packets from intermediate priority level calls when a buffer containing voice call data on the network is at a second percentage of total capacity [High, low priority, col 7 line 65].

18.   Claim 18, McDysan discloses the second percentage of total buffer capacity

approximately 75% [desired bandwidth, available capacity, col 30 lines 9-32].

19.   Claim 19, McDysan discloses the step of dropping packets from the highest

relative priority level calls only if a buffer containing voice call data on the network is full

[High, low priority, col 7 line 65].

20.   Claim 20, McDysan discloses packets of information are handed in one class of a

multi-class system, said one class having a plurality of sub-classes, each sub-class

having a respective packet dropping precedent [multiple QoS classes, col 8 line 40].

21.   Claim 21, McDysan discloses said one class is AFI and said multi-class system

is Difffserv [Diffserv, col 7 line 42].

22.   Claim 5, McDysan discloses A computer readable medium containing a program

which, when executed, performs an operation of managing voice calls of different types

of priority levels, the operation comprising:

(a) polling at least one location in a network to obtain information indicative of a

level of utilization of said at least one location [monitored session, col 12 lines 25-46];

(b) computing a status of utilization of said at least one location based on said

polled information and assigning a decision policy to said status [measure conformance

to SLAs, col 13 lines 13-28; Policy server makes policy decision, col 11 lines 35-67;

check the memory status and assign a priority, col 19 lines 30-45];

(c) assessing a priority level of a new voice call requesting to enter the network

relative to priorities of existing calls on the network [marker/policer with higher or lower

priority, col 7 lines 57-col 8 line 5; new service request, col 10 lines 44-63]; and

(d) invoking said decision policy on the new voice call according to its relative

priority level to the existing calls on the network and the decision policy in effect at the

time the new voice call requests entry to the network [invoking policy services, col 9 line

40-45; col 17 lines 15-40; currently active session, col 15 lines 17-46].

Allowable Subject Matter

23.   Claim 11 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904.
The examiner can normally be reached on 6:00-3:30.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu   THONG VU
Primary Examiner   PRIMARY PATENT EXAMINER